



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kouji Arikawa et al.

Application No.: 10/731,599

Filed: December 8, 2003

For: Method and Apparatus for Optical
Head and Optical Information
Reproducing

Examiner: Nabil Z. Hindi

Art Unit: 2655

**PETITION FOR WITHDRAWAL
FROM ISSUE UNDER 37 C.F.R. §
1.313(a)**

Attn: Petitions Office
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.313(a), Applicant hereby petitions for the withdrawal of this application from issue. This request for withdrawal from issue is being filed in order that a timely filed Information Disclosure Statement made under 37 C.F.R. § 1.97(d) can be considered by the Examiner. The necessity for the instant petition is based on the following course of events:

- On November 3, 2004, a Notice of Allowance was mailed.
- On November 18, 2004, the undersigned was informed of references cited in a September 7, 2004 Office action from the JIPO.
- On November 22, 2004, an IDS was mailed, submitting the references cited in the JIPO Office action. A certification under 37 C.F.R. § 1.97(e) was made and a fee under 37 C.F.R. § 1.17(p) was paid. The IDS was filed in the PTO on November 23. Submitted herewith as Exhibit A is a copy of the IDS and a copy of the stamped postcard showing receipt of the IDS.
- On December 14, 2004, a voice mail message was left with the Examiner to inquiry as to the status of the IDS.
- On December 29, 2004, the Examiner was contacted. The Examiner did not have the file at that time.

- On January 14, 2005, a PAIRS report was obtained (included herewith as Exhibit B). The report shows no indication that any action on the IDS has been taken.
- On January 20, 2005, another PAIRS report was obtained (included herewith as Exhibit C). The report continues to show that no action has been taken on the IDS and further that the application has now proceed to "Receipt to Pubs" indicating that the Examiner may no longer have access to the file.

Please charge the fee of \$130.00 under C.F.R. § 1.17(h) to the undersigned's Deposit Account No. 20-1430. Please charge any additional fees or credit overpayment to the above deposit account, (see Fee Transmittal submitted in duplicate).

Respectfully submitted,



George B. F. Yee
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400. Fax: (650) 326-2422
Attachments
GBFY:cmm

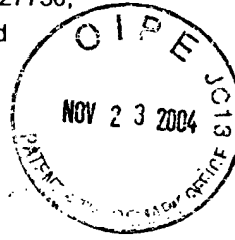
TO THE U.S. PATENT AND TRADEMARK OFFICE:

Please stamp your date of receipt of the following documents and return this card to addressee:

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 - 2) PTO/SB/17 Fee Transmittal;
 - 3) IDS under 37 CFR §1.97 and CFR §1.98 (two pages);
 - 4) PTO SB/08A (one page);
 - 5) Copy of Office Action for JP11-327750;
 - 6) Copies of 3 cited references; and
 - 7) Return Receipt Postcard.

Application No.: 10/731,599
Atty. Docket No.: 16869P-12510US
Date Due: N/A
Date Mailed: 11/22/04
Atty: GBFY

Express mail label: EV 338443307 US



60362188.v1



EV 338443307 US

Mailing Label
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Date In Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$		Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee		Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
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No Delivery <input type="checkbox"/> Weigh and <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$					
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FROM: (PLEASE PRINT) 650 326 2400 TOWNSEND TOWNSEND & CREW LLP 379 LYTTON AVE PALO ALTO CA 94301-1431 16869P-012510US GBFY/RIH				TO: (PLEASE PRINT) COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450			
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- Enclosed
- 1) PTO/SB/21 Transmittal;
 - 2) PTO/SB/17 Fee Transmittal;
 - 3) IDS under 37 CFR §1.97 and CFR §1.98 (two pages);
 - 4) PTO SB/08A (one page);
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 - 7) Return Receipt Postcard.

Application No.: 10/731,599
Atty. Docket No.: 16869P-12510US
Date Due: N/A
Date Mailed: 11/22/04
Atty: GBFY
Express mail label: EV 338443307 US

60362188 v1

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/731,599
Filing Date	December 8, 2003
First Named Inventor	Kouji Arikawa
Art Unit	2655
Examiner Name	Nabil Z. Hindi
Attorney Docket Number	16869P-012510US

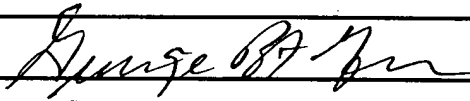
ENCLOSURES (Check all that apply)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
<input type="checkbox"/> Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
USPTO form SB08A (one page), copies of 3 cited references, Copy of Office Action for JP11-327750, Return Postcard |
|--|--|--|

Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
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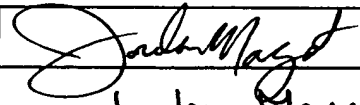
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	George B. F. Yee		
Date	11/22/04	Reg. No.	37,478

CERTIFICATE OF TRANSMISSION/MAILING

Express Mail Label: EV 338443307 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Jordan Magat	Date	11/22/04

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

Complete if Known

Application Number	10/731,599
Filing Date	December 8, 2003
First Named Inventor	Kouji Arikawa
Examiner Name	Nabil Z. Hindi
Art Unit	2655
Attorney Docket No.	16869P-012510US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
Independent Claims						
Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

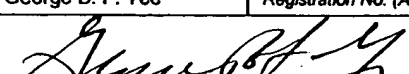
Other fee (specify)

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$180)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	George B. F. Yee	Registration No. (Attorney/Agent)	37,478	Telephone	650-326-2400
Signature				Date	11/22 '04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Date of Deposit 11/22/04

PATENT

Attorney Docket No.: 16869P-012510US

Client Reference No.: 219900944US2

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By: 

JORDAN MAGAT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kouji Arikawa et al.

Application No.: 10/731,599

Filed: December 8, 2003

For: METHOD AND APPARATUS FOR
OPTICAL HEAD AND OPTICAL
INFORMATION REPRODUCING

Group Director: 2655

Examiner: Nabil Z. Hindi

Art Unit: 2655

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER 37
CFR §1.97 and §1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A are being called to the attention of the Examiner. Copies of the references are enclosed.

Also enclosed is a copy of an Office Action dated September 7, 2004 issued from the Japan Intellectual Property Office (JIPO) for the corresponding Japanese patent application 11-327750 which cites the enclosed references. The JIPO examiner cited Japanese patent application JP09-274730 which is the priority application to U.S. Patent No. 5,875,167 and is enclosed herein for the convenience of the examiner.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

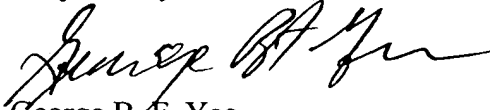
This IDS is being filed on or before payment of the issue fee.

CERTIFICATION

I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


George B. F. Yee
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
GBFY:rnh
60362162 v1

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/731,599	
			Filing Date	December 8, 2003	
			First Named Inventor	Kouji Arikawa	
			Art Unit	2655	
Examiner Name	Nabil Z. Hindi				
Sheet	1	of	1	Attorney Docket Number	16869P-012510US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	1	US-5,875,167	02-23-1999	Katayama et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials ^a	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	2	JP	11-306581	A	11-05-1999	Ricoh Co. Ltd.		<input checked="" type="checkbox"/>
	3	JP	09-274730	A	10-21-1997	NEC Corp.		abstract only

Examiner Signature		Date Considered	
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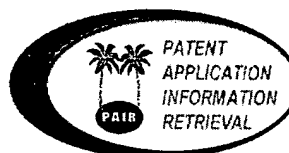
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.



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PATENT APPLICATION INFORMATION RETRIEVAL



Search results as of: 1-14-2005::17:4:29 E.T.

Search results for application number: 10/731,599			
Application Number:	10/731,599	Customer Number:	20350
Filing or 371(c) Date:	12-08-2003	Status:	Allowed -- Notice of Allowance Mailed -- Issue Revision Completed
Application Type:	Utility	Status Date:	11-03-2004
Examiner Name:	HINDI, NABIL Z	Location:	ELECTRONIC
Group Art Unit:	2655	Location Date:	-
Confirmation Number:	4742	Earliest Publication No:	US 2004-0120245 A1
Attorney Docket Number:	16869P-012510US	Earliest Publication Date:	06-24-2004
Class/ Sub-Class:	369/121	Patent Number:	-
First Named Inventor:	Kouji Arikawa, Tokyo, (JP)	Issue Date of Patent:	-
Title Of Invention:	METHOD AND APPARATUS FOR OPTICAL HEAD AND OPTICAL INFORMATION REPRODUCING		

Search Options

Continuity Data
Display References
Foreign Priority
Image File Wrapper
Patent Term Adjustment History
Publication Review
Published Documents

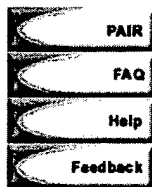
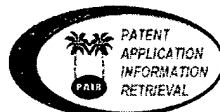
File History

Date	Contents Description
11-16-2004	Workflow - File Sent to Contractor
11-03-2004	Mail Notice of Allowance
11-02-2004	Issue Revision Completed
11-02-2004	Notice of Allowance Data Verification Completed
11-01-2004	Notice of Allowability
10-29-2004	Date Forwarded to Examiner
09-23-2004	Response after Non-Final Action
09-23-2004	Workflow incoming amendment IFW

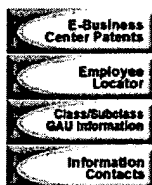
07-16-2004	Mail Non-Final Rejection
07-15-2004	Non-Final Rejection
05-06-2004	IFW TSS Processing by Tech Center Complete
05-06-2004	Case Docketed to Examiner in GAU
03-15-2004	Application Return from OIPE
03-15-2004	Application Return TO OIPE
03-15-2004	Application Dispatched from OIPE
03-15-2004	Application Is Now Complete
02-12-2004	Cleared by OIPE CSR
12-28-2003	IFW Scan & PACR Auto Security Review
12-08-2003	Initial Exam Team nn



PATENT APPLICATION INFORMATION RETRIEVAL



Other Links

Image File Wrapper for Application
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Updated: 11/30/2004

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Mail Room Date	Document Description	Document Category	Page Count	All	None	Download
11/23/2004	<u>Information Disclosure Statement</u>	PROSECUTION	5		<input type="checkbox"/>	
11/23/2004	<u>Foreign Reference</u>	PROSECUTION	22		<input type="checkbox"/>	
11/23/2004	<u>Foreign Reference</u>	PROSECUTION	43		<input type="checkbox"/>	
11/23/2004	<u>NPL Documents</u>	PROSECUTION	2		<input type="checkbox"/>	
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11/03/2004	<u>Claims recorded on File Wrapper</u>	PROSECUTION	1		<input type="checkbox"/>	
11/03/2004	<u>Issue Information on File Wrapper</u>	PROSECUTION	1		<input type="checkbox"/>	
09/23/2004	<u>Amendment</u>	PROSECUTION	3		<input type="checkbox"/>	
09/23/2004	<u>Fee Worksheet (PTO-875)</u>	PROSECUTION	1		<input type="checkbox"/>	
09/23/2004	<u>Applicant Arguments or Remarks Made in an Amendment</u>	PROSECUTION	2		<input type="checkbox"/>	
09/23/2004	<u>Claim</u>	PROSECUTION	4		<input type="checkbox"/>	
07/16/2004	<u>Search info on File Wrapper</u>	PROSECUTION	1		<input type="checkbox"/>	
07/16/2004	<u>Non-Final Rejection</u>	PROSECUTION	4		<input type="checkbox"/>	
07/16/2004	<u>Claims recorded on File Wrapper</u>	PROSECUTION	1		<input type="checkbox"/>	
07/15/2004	<u>Examiner Search Notes</u>	PROSECUTION	10		<input type="checkbox"/>	
12/08/2003	<u>Application Data Sheet</u>	PROSECUTION	4		<input type="checkbox"/>	
12/08/2003	<u>Oath or Declaration filed</u>	PROSECUTION	4		<input type="checkbox"/>	
12/08/2003	<u>Drawings</u>	PROSECUTION	4		<input type="checkbox"/>	
12/08/2003	<u>Abstract</u>	PROSECUTION	1		<input type="checkbox"/>	
12/08/2003	<u>Claim</u>	PROSECUTION	2		<input type="checkbox"/>	
12/08/2003	<u>Specification</u>	PROSECUTION	10		<input type="checkbox"/>	
12/08/2003	<u>Transmittal of New Application</u>	PROSECUTION	2		<input type="checkbox"/>	

12/08/2003	<u>Fee Worksheet</u> <u>(PTO-875)</u>	PROSECUTION	1	<input type="checkbox"/>
12/08/2003	<u>Fee Worksheet</u> <u>(PTO-875)</u>	PROSECUTION	1	<input type="checkbox"/>
07/16/2004	<u>List of references cited</u> <u>by Examiner</u>	PRIOR ART	1	<input type="checkbox"/>

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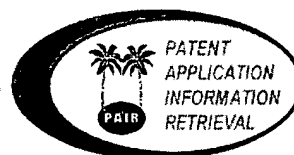
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PATENT APPLICATION INFORMATION RETRIEVAL



Search results as of: 1-20-2005::11:57:11 E.T.

Search results for application number: 10/731,599			
Application Number:	10/731,599	Customer Number:	20350
Filing or 371(c) Date:	12-08-2003	Status:	Notice of Allowance Mailed -- Application Received in Office of Publications
Application Type:	Utility	Status Date:	01-17-2005
Examiner Name:	HINDI, NABIL Z	Location:	ELECTRONIC
Group Art Unit:	2655	Location Date:	-
Confirmation Number:	4742	Earliest Publication No:	US 2004-0120245 A1
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First Named Inventor:	Kouji Arikawa, Tokyo, (JP)	Issue Date of Patent:	-
Title Of Invention: METHOD AND APPARATUS FOR OPTICAL HEAD AND OPTICAL INFORMATION REPRODUCING			

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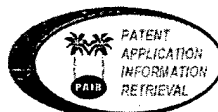
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11-16-2004	Workflow - File Sent to Contractor
11-03-2004	Mail Notice of Allowance
11-02-2004	Issue Revision Completed
11-02-2004	Notice of Allowance Data Verification Completed
11-01-2004	Notice of Allowability
10-29-2004	Date Forwarded to Examiner

09-23-2004	Response after Non-Final Action
09-23-2004	Workflow incoming amendment IFW
07-16-2004	Mail Non-Final Rejection
07-15-2004	Non-Final Rejection
05-06-2004	IFW TSS Processing by Tech Center Complete
05-06-2004	Case Docketed to Examiner in GAU
03-15-2004	Application Return from OIPE
03-15-2004	Application Return TO OIPE
03-15-2004	Application Dispatched from OIPE
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